

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**January 25, 1999**

DIVISION ONE

B117525     People  
              v.  
              Wilson

B121874     People  
              v.  
              Wilson

Filed order consolidating above captioned appeals.

B118207     People                                 (Not for Publication)  
              v.  
              Thompson

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                                 Ortega, J.

B120419     People                                 (Not for Publication)  
              v.  
              Mejia

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                                 Ortega, J.

DIVISION THREE

Court convened at 2:00 P.M.

Present: Croskey, Acting P.J., Kitching, J., Aldrich, J., and Valorie Gray, Deputy Clerk.

B120485 Stein  
v.  
Tokai Bank

Merits:

Argued by David H. Bate, Bradley A. Raisin, and John Peterson for appellant and by Michael Zebari, Margaret Esquiroz, Benjamin A. Johnson, and Richard A Sill for respondents. Cause submitted.

B120484 Stein  
B120487 v.  
Tokai Bank

Merits:

Argued by David H. Bate for appellant and by Elissa Miller and Gerald M. Serlin for respondents. Cause submitted.

Court adjourned at 5:30 P.M.

DIVISION FOUR

B125713 People (Not for Publication)  
v.  
Wright

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

## DIVISION FOUR (Continued)

[illegible]

The Court:

For the foregoing reasons, we remand for a ruling accompanied by reasons set forth in an order entered on the minutes as required under the holding of *People v. Superior Court (Romero)*, supra, 13 Cal.4th 497, 531, consistent with principles stated in *People v. Williams*, supra, 17 Cal.4th at p. 165, and for imposition of judgment thereafter.

Vogel (C.S.), P.J., Hastings, J., Curry, J.

B124488 Samaltanos (Not for Publication)  
v.  
Toyota of North Hollywood, et al.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

B119276      City of Vernon      (Certified for Publication)  
v.  
Central Basin Municipal Water District, et al.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

## DIVISION FIVE

B116997 People (Not for Publication)  
v.  
Pablo Flores

The judgment is affirmed. Upon issuance of the remittitur, the clerk of superior court is to prepare an amended abstract of judgment reflecting both restitution fines and forward it to the Department of Corrections.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

B117374 Omar Nasir et al. (Not for Publication)  
v.  
First Alliance Mortgage Corp.

The judgment is affirmed. Defendant, First Alliance Mortgage Corporation, is to recover its costs on appeal from plaintiffs, Omar Nasir and Nilofar Nasir.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

B120394      First Federal Bank of California      (Not for Publication)  
v.  
Seymour Goldstein et al.

The orders under review are affirmed. Plaintiff, First Federal Bank of California, shall recover its costs on appeal from defendants, Seymour and Sonja Goldstein.

Turner, P.J.

We concur:    Armstrong, J.  
                         Godoy Perez, J.

## January 25, 1999-Continued

DIVISION FIVE (Continued)

B121703 People (Not for Publication)

V.

James Washington

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.

Armstrong, J.

B121275 People (Not for Publication)

V.

Obdulio Carcamo

The abstract of judgment is to be corrected to show a \$10,000 restitution fine and \$2,000 in restitution to the victim, both under Penal Code section 1202.4, and, as modified, the judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.

Armstrong, J.

B115663      Freda E. Mermelstein      (Not for Publication)

V.

John W. Elder et al.

The judgment of nonsuit is affirmed. Defendants, John W. Elder, Beverly B. Elder, Patrick Quinlan, Darece Quinlan, and Quinlan Property Management, shall recover their costs on appeal from plaintiff, Freda E. Mermelstein.

Turner, P.J.

We concur:   Armstrong, J.

Godoy Perez, J.

## DIVISION FIVE (Continued)

B122670      People      (Not for Publication)  
v.  
Jerry Joseph Esnault

The judgment is modified to reflect the \$200 Penal Code sections 1202.45 and 1202.4, subdivision (b)(1) restitution fines discussed in the body of this opinion. Upon issuance of the remittitur and imposition of the additional \$200 Penal Code section 1202.45 fine, the superior court clerk is to issue an amended abstract of judgment which reflects both restitution fines and forward it to the Department of Corrections. The judgment is affirmed in all other respects.

Turner, P.J.

We concur:    Armstrong, J.  
                          Godoy Perez, J.

## DIVISION SIX

B113639 Topanga Association for a Scenic Community, et al. (Not for Publication)  
v.  
California Coastal Commission, et al.  
Jason, et al.

The judgment is affirmed and the Commission is awarded costs on appeal.

Yegan, J.

We concur:    Gilbert, Acting P.J.  
                     Coffee, J.

DIVISION SIX (Continued)

B123148      Tsai      (Not for Publication)

v.

Samarrai

The judgment (order granting summary judgment) is affirmed with costs to Samarrai.

Yegan, Acting P.J.

We concur:    Coffee, J.  
                  Burke, J. (Assigned)

B118432      People      (Certified for Publication)

v.

Velasquez

The judgment is modified to show that appellant was sentenced to state prison for two years. As so modified, the judgment is affirmed.

Yegan, J.

We concur:    Gilbert, Acting P.J.  
                  Coffee, J.

B122522      Bergne      (Not for Publication)

v.

Windom, et al.

The judgment is affirmed. Respondents shall recover costs on appeal.

Gilbert, Acting P.J.

We concur:    Yegan, J.  
                  Coffee, J.

## January 25, 1999-Continued

## DIVISION SIX (Continued)

B119804 People (Not for Publication)  
v.  
Garcia

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.  
Burke, J. (Assigned)

B119806 People (Not for Publication)  
v.  
Castaneda

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

[illegible]

The order modifying the amount of monthly spousal support to \$1,200 is reversed. The orders for attorneys fees in the amount of \$4,000 and \$1,500 are also reversed, subject to the court's reconsideration. The case is remanded for further proceedings consistent with this opinion. The parties shall bear their own costs on appeal.

Coffee, J.

We concur:    Gilbert, Acting P.J.  
                     Stone, J. (Assigned)



January 25, 1999-Continued

## DIVISION SIX (Continued)

B118165 Posthuma (Not for Publication)  
v.  
Amerigas Propane, Inc.

The judgment is affirmed. The order awarding Posthuma \$60,912 in attorney's fees is reversed. Each party is to bear its own costs on appeal.

Coffee, J.

We concur: Gilbert, Acting P.J.  
Stone, J. (Assigned)

B124025      Marian      (Not for Publication)  
v.  
State Farm Mutual Automobile Ins.

The judgment is affirmed. Respondents shall recover costs on appeal.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Burke, J. (Assigned)

## DIVISION SEVEN

B094131      Valentin  
v.  
County of Los Angeles

Filed order denying all four petitions for rehearing. (Petitions filed by County of Los Angeles et al. on 1-13-99; O'Keefes on 1-12-99, Sparkes on 1-15-99, and Valentin et al. on 1-13-99)

B093876      Parker  
v.  
Eleventh Avenue Medical Group

Filed order denying petition for rehearing.

DIVISION SEVEN (Continued)

B116884      Krusi et al.      (Not for Publication)

v.

The Aetna Casualty & Surety Company

The summary adjudication order awards of attorneys fees and sanctions are reversed, and the case remanded for further proceedings consistent with this opinion. Appellant shall recover its costs on appeal.

Neal, J.

We concur: Lillie, P.J.

Woods, J.

B117874      People      (Not for Publication)

v.

Gonzales

The orders sentencing Navarro and Gonzalez are reversed and the cause is remanded for further sentencing in conformity with the views expressed herein. In all other respects, the judgments are affirmed. After resentencing, the court shall cause its clerk to send amended abstracts of judgment to the California Department of Corrections containing any modifications to the sentences and the restitution fines the court has imposed under Penal Code sections 1202.4 and 1202.45.

Lillie, P.J.

We concur: Woods, J.

Neal, J.

## DIVISION SEVEN (Continued)

B125263 People (Not for Publication)

V.

S.C.L.A.

Herbert, Jr.

Let a writ of mandate issue directing respondent to set aside its order denying petitioner's motion to quash and make a new order granting that motion.

Neal, J.

We concur: Lillie, P.J.

Woods, J.

B116841      Cover      (Not for Publication)

V.

Monteleone Interiors, Inc.

The order is affirmed.

Lillie, P.J.

We concur: Woods, J.

Neal, J.